UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,634	03/09/2001	Shimon Shmueli	4989-005	8535

27820	7590	06/07/2006

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EXAMINER
FADOK, MARK A

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *BPAI decision mailed 3/28/2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,9-19 and 21-27* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7,9-19 and 21-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Re-Opening of Prosecution After Decision By BPAI

The examiner in receipt of the BAPI reversal of examiner's rejection mailed 3/28/2006. The examiner contacted applicant's representative, Mr. Rich Wither, on 5/17/2006 and asked if he would review TURGEON (PG PUB 2003/0014371) and provide rationale of how the current claims overcome this prior art. Since Mr. Wither did not timely respond to this request, prosecution is hereby reopened and the following rejection based on TURGEON is provided below:

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4,6,9-11,13-16,18,21-24 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by TURGEON (US PG Pub 2003/0014371).

In regards to claims 1-4,6,9-11,13-16,18,21-24 and 27, Turgeon teaches all the features of the instant claims. For instance, Turgeon teaches a system and method that provides secure access over public communication lines using encrypted information on a removable, portable storage medium. Information relating to a customer's financial account is encrypted and stored to a disk. When a customer desires to purchase goods and/or services on-line or access his financial account, he inserts the CD into a disk drive of a personal computer. The

encrypted information is retrieved from the disk and transmitted, via public

communications lines, to a computer maintaining a Web site for providing the

requested goods and/or services. The computer then forwards the encrypted

information to a secure network. A processor on the secure network processes

the customer's request, and denies or approves the transaction based on the

received information. The results of such processing are returned to the

computer maintaining the Web site for completing or aborting the transaction.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

Claims 5,7,12,17,19,25 and 27 are rejected under 35 U.S.C. 103(a) as

being unpatentable over TURGEON in view of Official Notice.

In regards to claims 5,17and 25, TERGEON teaches providing links to

secure a connection to website, but does not specifically mention that there is a

Bookmark created for the website. The examiner takes Official Notice that

placing bookmarks on a browser was old and well known in the art at the time of

the invention. It would have been obvious to a person having ordinary skill in the

art at the time of the invention to include in TERGEON placing a bookmark for

easy access, because this would assure that website is used before others as a preferred place to shop.

In regards to claims 7,19 and 27, TERGEON teaches storing a shipping address in the portable device and an opportunity to change the stored shipping address (para 0058), but does not specifically mention that the portable queries the user to select one of a plurality of shipping addresses. The examiner takes Official Notice that offering a plurality of addresses for selection by a user was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art at the time to include in TERGEON offering the user several addresses to select from because customers must be enabled to do transactions quickly or the merchant will loose customers (para 005), therefore adding this information would require only a selection and would not require adding additional information.

In regards to claim 12, TERGEON teaches providing information over the Internet from a computing device (FIG 4), but does not specifically mention that the computing device is wireless. The examiner takes Official Notice that the use of wireless computing devices to accomplish ecommerce transactions was old and well known in the art at the time of the invention. It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in TERGEON the use of wireless devices because this would increase

the usage of the system of TERGEON and increase the revenue provided by its

use.

Conclusion

Any inquiry concerning this communication or earlier

communications from the examiner should be directed to **Mark Fadok** whose

telephone number is **(571) 272-6755**. The examiner can normally be reached

Monday thru Thursday 8:00 AM to 5:00 PM.

Any inquiry of a general nature or relating to the status of this

application or proceeding should be directed to the **receptionist** whose

telephone number is **(571) 272-3600**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(571) 273-8300   [Official communications; including
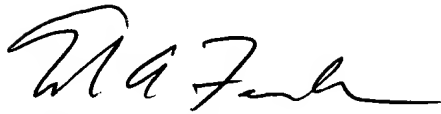
After Final communications labeled

"Box AF"]

(571) 273-6755   [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

Mark Fadok

Primary Examiner

Robert Pond
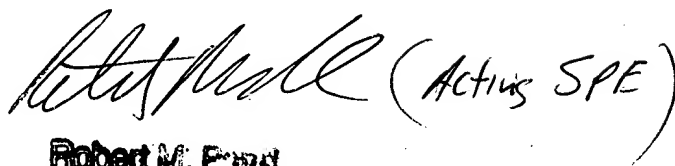
Acting SPE 3625

Wynn Coggins

Director TC 3600

WYNN W. COGGINS
TECHNOLOGY CENTER DIRECTOR

(Acting SPE)

Robert M. Pond
Primary Examiner